

2000-01-01

Respondent

Decision Without Hearing by Reason of Default

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Agriculture.

accepted in interstate and foreign commerce.

A copy of the complaint was sent to Respondent's last known principal place of business by certified mail on May 17, 2002, but was returned unclaimed on June 6, 2002. It was then remailed to that same address by regular mail on June 6, 2002. In addition, a copy of the complaint was mailed to a second address by certified mail on August 6, 2002, and was returned on August 11, 2002. Pursuant to section 1.147 of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*, hereinafter "Rules of Practice"), the complaint is deemed served on the

Respondent on September 20, 2002, the date of remailing by regular mail to Respondent's last known principal place of business. This complaint has not been answered. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further investigation or hearing pursuant to Section 1.139 of the Rules of Practice.

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the State of Georgia. Its mailing address is 209 Edgewood Avenue, S.E., #116, Atlanta, Georgia 30303.
2. At all times material herein, Respondent operated subject to the PACA. Pursuant to the licensing provisions of the PACA, license number 980985 was issued to Respondent on April 14, 1998. That license terminated on April 14, 2001, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required renewal fee.
3. During the period January 2001 through June 2001, Respondent purchased, received, and accepted in interstate and foreign commerce, 117 lots of fruits and vegetables from 27 sellers, but failed to make full payment promptly of the agreed purchase prices, or balances thereof, in the total amount of \$518,329.45.

Conclusions

Respondent's failure to make full payment promptly with respect to the 117 transactions set forth in Finding of Fact No. 3 above, constitutes willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent has committed willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), and the facts and circumstances of the

violations set forth above shall be published.

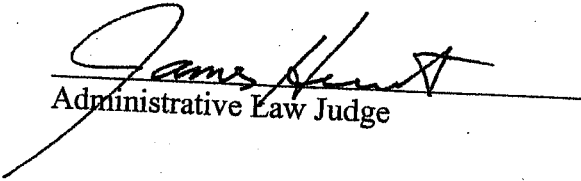
This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 21st day of April, 2003


Administrative Law Judge

USDA CITES WORLD PRODUCE, INC., ATLANTA, GEORGIA

The U.S. Department of Agriculture (USDA) has cited World Produce, Inc., operating in Atlanta, Georgia, for wilful, repeated and flagrant violations of the Perishable Agricultural Commodities Act. (PACA)

As a result, the company cannot operate in the produce industry until August 22, 2005, and then only if it obtains a PACA license.

The company failed to pay promptly and in full \$518,329.45 for 117 lots of perishable agricultural commodities. The company purchased, received and accepted the produce from 27 sellers in the course of interstate and foreign commerce from January 2001 through June 2001.

USDA served the company with a complaint and the company failed to file an answer.

The company's officers, directors, and stockholders--Joseph Park, Edward Young Shinn and Chong Hoe Yi--may not be employed by or affiliated with any PACA licensee until August 22, 2004, and then only with the posting of an USDA-approved surety bond.

PACA establishes a code of good business conduct for the produce industry. Under it, all interstate traders in fresh and frozen fruits and vegetables must be licensed by USDA. USDA is authorized to suspend or revoke a trader's license for violating the Act.

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